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Chapter No. 96

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SENATE BILL NO. 3129

Originated in Senate

Henrietta Hughes

Secretary

SENATE BILL NO. 3129

AN ACT MAKING AN APPROPRIATION TO THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING FOR SUPPORT OF THE EIGHT UNIVERSITIES FOR FISCAL YEAR 2011; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following sums of money, or so much thereof as may be necessary, are hereby appropriated out of any money in the State General Fund not otherwise appropriated, to the Board of Trustees of State Institutions of Higher Learning for the purpose of support, maintenance, affirmative action plan, interest funds and repairs at the state-supported institutions of higher learning; for support of Mississippi State University, University of Mississippi, Teacher Corps, Mississippi University for Women, University of Southern Mississippi, Delta State University, Alcorn State University, Jackson State University, and Mississippi Valley State University, for the fiscal year beginning July 1, 2010, and ending June 30, 2011 \$ 281,386,056.00.

SECTION 2. The following sums of money, or so much thereof as may be necessary, are hereby appropriated out of the proceeds from any federal, student fees or other special source funds not otherwise appropriated, to the Board of Trustees of State Institutions of Higher Learning for the purpose of support of Mississippi State University, University of Mississippi, Mississippi University for Women, University of Southern Mississippi, Delta State University, Alcorn State University, Jackson State University, and Mississippi Valley State University, for the fiscal year beginning July 1, 2010, and ending June 30, 2011 \$ 553,585,075.00.

SECTION 3. The following sums, or so much thereof as may be necessary, is hereby appropriated out of any money in the Ayers Endowment Interest Fund, State Treasury Fund No. 3258, for the purposes as set out by the courts in the Ayers Case for the fiscal year beginning July 1, 2010, and ending June 30, 2011:

Alcorn State University	\$254,700.00
Jackson State University	\$390,600.00
Mississippi Valley State University	\$254,700.00

SECTION 4. It is the intention of the Legislature that the Board of Trustees of State Institutions of Higher Learning shall allocate funds to the off-campus centers based on a minimum rate of sixty-five percent (65%) of the on-campus cost of a full-time equivalent student. The on-campus distribution is to be determined without regard to the costs incurred by any one or more of them in the operation of off-campus degree completing centers' classes. Off-campus centers which are operated jointly by two (2) or more institutions, the amount allocated to such centers shall be prorated among the institutions jointly operating such centers based on the full-time equivalent enrollment of such centers.

The board of trustees shall insure that the off-campus centers are not charged with any indirect or overhead cost prorated from any on-campus activity. It is the intention of the Legislature that the on-campus operations charge the off-campus centers with only actual direct charges.

SECTION 5. Of the funds appropriated in Section 1, the amount of One Hundred Fifty-seven Thousand Five Hundred Dollars (\$157,500.00) shall be used for the promotion and expenses of the Mississippi Governor's School for the Gifted and Talented.

Provided, however, that the Board of Trustees of State Institutions of Higher Learning shall develop the governing policy for faculty, course content and facilities selection on a competitive basis from all Mississippi senior colleges and universities. The Mississippi Governor's School for the Gifted

and Talented shall accept not less than one (1) high school student nominee from each accredited high school in Mississippi. The nominees, selected under criteria developed and adopted by the Board of Trustees of State Institutions of Higher Learning, shall be provided a three-week tuition-free program.

The Board of Trustees of State Institutions of Higher Learning shall compile and publish the report of the statewide evaluation committee on the leadership impact of graduates of this school. This report is to be a continuing study on the youthful leadership of the state.

SECTION 6. Of the funds appropriated in Section 1, the amount of Two Hundred Sixty-five Thousand Dollars (\$265,000.00) shall be used for the promotion and expenses of the Teacher Corps.

SECTION 7. It is the intent of the Legislature that no general funds authorized to be expended herein shall be used to replace federal funds and/or other special funds which are being used for salaries authorized under the provisions of this act and which are withdrawn and no longer available.

SECTION 8. Of the funds appropriated in Section 1, the following amounts shall be used as set forth:

- (a) For Mississippi State University as interest on agricultural land script fund and interest on sale of university land, the sum of \$ 14,387.00.
- (b) For the University of Mississippi as interest on original seminary fund, the sum of \$ 32,643.00.
- (c) For the University of Mississippi as interest on 1904 land grant fund, the sum of \$ 9,965.00.
- (d) For the University of Mississippi as interest on LaBauve Fund, the sum of \$ 1,420.00.

- (e) For Mississippi University for Women
as interest on funds paid into the
State Treasury as proceeds of sale of
land donated to the Industrial Institute
and College by the United States
Government, the sum of \$ 9,389.00.
- (f) For Alcorn State University as interest
on land script and land sales funds,
the sum of \$ 12,592.00.

SECTION 9. Of the funds appropriated in Section 2, the following amount shall be derived from Education Enhancement Funds deposited pursuant to Sections 27-65-75 and 27-67-31, Mississippi Code of 1972:

On-campus and off-campus support of Mississippi
State University, the University of Mississippi,
Mississippi University for Women, University of
Southern Mississippi, Delta State University, Alcorn
State University, Jackson State University, and
Mississippi Valley State University for
the sum of \$ 42,775,406.00.

SECTION 10. Of the funds provided herein to the Board of Trustees of the State Institutions of Higher Learning, Twenty-six Million Eight Hundred Fifty Thousand Dollars (\$26,850,000.00) shall be available to be expended by the Board of Trustees of State Institutions of Higher Learning for the purpose of defraying the costs associated with the implementation of the Ayers Settlement as follows:

Ayers related programs at Alcorn State University, Jackson State University and Mississippi Valley State University	\$20,200,000.00
Ayers Endowment Fund	\$ 5,000,000.00
Interest on the Ayers Endowment Fund	\$ 900,000.00
Ayers Summer Development Program	\$ 750,000.00

SECTION 11. It is the intention of the Legislature that the Board of Trustees of State Institutions of Higher Learning shall first use special funds to the greatest extent possible to defray the costs of providing remediation at the state-supported institutions of higher learning.

SECTION 12. None of the funds appropriated by this act shall be expended for any purpose that is not actually required or necessary for performing any of the powers or duties of the Board of Trustees of State Institutions of Higher Learning, or any of the powers or duties of any institution under the jurisdiction of the board of trustees, that are authorized by the Mississippi Constitution of 1890, state or federal law, or rules or regulations that implement state or federal law.

SECTION 13. The Board of Trustees of State Institutions of Higher Learning shall submit to the Committee on Appropriations of both houses of the Mississippi Legislature by January 1, 2011, a consolidated report for all the several institutions under its jurisdiction, on forms and in a manner to be prescribed by the Legislative Budget Committee, which reflects the anticipated current restricted fund revenues for the 2011 fiscal year, and the budgeted use of such current restricted funds by major object category. For purposes of this section, the term "current restricted funds" shall be defined as those public funds available for financing university operations which are limited by the donor, or by an agency external to the Board of Trustees of State Institutions of Higher Learning, to specific purposes, programs, departments or schools, but shall not include endowment funds or private gifts exempted under the provisions of Section 27-103-5, Mississippi Code of 1972.

SECTION 14. It is the intention of the Legislature that the budget requests of the Institutions for Fiscal Year 2012 shall be submitted to the Joint Legislative Budget Committee in a format

and level of detail comparable to the format and level of detail provided during the Fiscal Year 2011 budget request process.

SECTION 15. It is the intention of the Legislature that the Board of Trustees of State Institutions of Higher Learning continue to review, and eliminate when possible, duplicating programs and degrees in the existing institutions of higher learning in this state.

SECTION 16. No state appropriations or student tuition and fee receipts, except those specifically charged for the provision of the services, shall be used to support auxiliary enterprises, with the exception of intercollegiate athletics at a level designated by the board of trustees. It is the intent of the Legislature that auxiliary enterprises shall be self-supporting; and that deficits not be taken from funds intended for instruction and academic programs.

SECTION 17. The Board of Trustees shall report yearly to the Legislature the institution compliance with Section 97-11-51, Mississippi Code of 1972, which prohibits deficit spending.

SECTION 18. Any funds appropriated pursuant to this act and paid as a fee to or deposited in a financial institution shall be in compliance with Section 109 of the Constitution of the State of Mississippi and Section 25-4-103, Mississippi Code of 1972.

SECTION 19. In compliance with the "Mississippi Performance Budget and Strategic Planning Act of 1994," it is the intent of the Legislature that the funds provided herein shall be utilized in the most efficient and effective manner possible to achieve the intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

FY2011

Performance Measures

Target

Instruction

Maintain a Freshman first-time, full-time

retention rate from fall to fall that is at or above the national rate for 4-year public institutions as reported by American College Testing (%)	74.60
Maintain a Freshman first-time, full-time undergraduate graduation rate after 6-years for the system that is at or above the national rate of 4-year public institutions as reported by American College Testing (% Graduated)	53.10
Maintain other race personnel with academic rank at HBCU (%)	33.00
Maintain percent of personnel with academic rank who hold Terminal Degrees (Doctorate & First Professional Degrees) (%)	77.00
Research	
Maintain expenditures of unrestricted E&G Funds for Research (%)	2.60
Public Service	
Maintain expenditures of Unrestricted E&G Funds for Public Services (%)	0.50
Academic Support	
Strive to reach the 6% average expenditure for libraries as listed in American Library Association Standards for academic & research libraries (% Change)	6.00
Maintain expenditure of unrestricted E&G Funds for Technology (%)	12.20
Student Services	
Maintain expenditures of unrestricted E&G Funds for Undergraduate Admissions & Records (%)	6.10

Maintain expenditures of unrestricted	
E&G Funds for undergraduate Financial	
Aid (%)	11.00
Institutional Support	
Maintain expenditures of unrestricted	
E&G Funds for Institutional Support	
per Fall Full-time Equivalent	
Student (\$)	1,600.00
Operation & Maintenance	
Percentage of Unrestricted E&G	
Expenditures (%)	13.20
Scholarship & Fellowships	
Maintain number of students receiving	
scholarship dollars from unrestricted	
E&G Funds (Students)	23,294
Maintain amount of scholarship dollars	
awarded from unrestricted E&G	
Funds (\$)	110,531,927.00

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2012.

SECTION 20. Of the funds provided herein to the Board of Trustees of State Institutions of Higher Learning, the following amount, or so much thereof as may be necessary, shall be allocated equally to Jackson State University, Mississippi State University, the University of Mississippi, and the University of Southern Mississippi for economic development, reorganization, and relocation of efforts at those universities \$ 2,000,000.00.

SECTION 21. Of the funds provided herein to the Board of Trustees of State Institutions of Higher Learning, the following amount, or so much thereof as may be necessary, shall be allocated to Mississippi State University - Meridian Branch

..... \$ 900,000.00.

SECTION 22. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

SECTION 23. Of the funds provided herein to the Board of Trustees of State Institutions of Higher Learning, the following amount, or so much thereof as may be necessary, shall be allocated to Jackson State University E-Learning Center
..... \$ 500,000.00.

SECTION 24. Of the funds provided herein to the Board of Trustees of State Institutions of Higher Learning, the following amount, or so much thereof as may be necessary, shall be allocated to the Delta State University E-Learning Center \$ 350,000.00.

SECTION 25. It is the intent of the Legislature that at the end of Fiscal Year 2011, any unexpended balances in Ayers programs funds established pursuant to this act shall not lapse into the State General Fund, but shall carry over and be available for expenditure in the succeeding fiscal year, and subject to Legislative appropriation.

SECTION 26. None of the funds appropriated by this act shall be expended for the purpose of travel outside the United States.

SECTION 27. Of the funds provided herein to the Board of Trustees of State Institutions of Higher Learning, the following sum or so much thereof as may be necessary, shall be allocated to Delta State University Department of Commercial Aviation
..... \$ 570,000.00.

SECTION 28. It is the intent of the Legislature that with the funds provided herein, the Board of Trustees of State

Institutions of Higher Learning, in regards to each state university, shall provide to the Department of Finance and Administration all information concerning current and future property insurance which shall include scheduled buildings, replacement cost values and other property insurance related information requested by the department.

SECTION 29. It is the intention of the Legislature that none of the funds provided herein shall be used to pay certain utilities for state furnished housing for any employees. Such utilities shall include electricity, natural gas, butane, propane, cable and phone services. Where actual cost cannot be determined, the agency shall be required to provide meters to be in compliance with legislative intent. Such state furnished housing shall include single-family and multifamily residences but shall not include any dormitory residences. Allowances for such utilities shall be prohibited.

SECTION 30. It is legislative intent to ensure beneficial information reaches as many Mississippians as possible. Further, it is legislative intent that the expenditure of public funds for this purpose be accomplished in an efficient and effective manner.

Therefore, state agencies as standard procedure, will observe the following criteria:

- (a) Develop goals and desired result for a campaign.
- (b) Evaluate effectiveness through respected advertising standards, including market reach and cost-effectiveness.
- (c) Seek public service announcements, which would be aired by media without cost.
- (d) Itemize and justify professional assistance and related expenses for creative and production costs outside of the actual media expenditures.
- (e) Utilize Mississippi-owned media companies when feasible.

SECTION 31. It is the intention of the Legislature that the agency shall compile cell phone usage records of any cellular phone (wireless communication device) that is assigned, issued or made available to any officer or employee in accordance with Section 25-53-191, Mississippi Code of 1972, and these records shall be made publicly available at the expense of the agency.

SECTION 32. It is the intention of the Legislature that this agency shall have the authority to receive, budget and expend funds from any source that may become available to them as a result of the passage of the American Recovery and Reinvestment Act of 2009 in accordance with the rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds.

The Executive Director of the Department of Finance and Administration shall have the authority to approve escalations of funds and employee positions using funds from any source available due to the passage of the American Recovery and Reinvestment Act of 2009.

The Executive Director of the Department of Finance and Administration shall immediately send notice of the approval of such budget escalation to the House of Representatives Appropriations Committee, the Senate Appropriations Committee and the Legislative Budget Office. Within fifteen (15) days of such approval, the Executive Director of the Department of Finance and Administration shall ensure that the Legislative Budget Office receives detailed and accurate information about the amount and use of federal and special source funds by state agencies as a result of the passage of the American Recovery and Reinvestment Act of 2009.

SECTION 33. Of the funds authorized in Section 2, the following sum is anticipated to be derived from funds provided pursuant to the American Recovery and Reinvestment Act of 2009 ...

.....	\$	44,570,375.00.
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If the amount that ultimately becomes available for this agency from the American Recovery and Reinvestment Act of 2009 differs from the above stated amount, the agency shall immediately report the actual amount to Legislative Budget Office and the agency may use the American Recovery and Reinvestment Act of 2009 escalation authorization contained within this act to increase the expenditure authority as necessary.

SECTION 34. Of the funds provided herein to the Board of Trustees of State Institutions of Higher Learning, the following amount shall be allocated to the Delta State University Delta Center for Culture and Learning \$ 150,000.00.

The funds allocated in this section shall only be used for the Delta Center for Culture and Learning.

SECTION 35. None of the funds appropriated herein this act shall be expended if the Board of Trustees of State Institutions of Higher Learning adopts an allocation formula in Fiscal Year 2011 that is different from the allocation formula used in Fiscal Year 2010.

SECTION 36. Of the funds provided within this act, no former employee who is receiving State of Mississippi retirement benefits shall be hired under contract for an amount exceeding Twenty Thousand Dollars (\$20,000.00) a year without prior approval by an agency's proper governing board or authority. Upon approval of such contracts a written report shall be submitted detailing the cost and need of contract services to the Chairmen and members of the Senate and House Appropriation Committees.

SECTION 37. Of the funds provided herein to the Board of Trustees of State Institutions of Higher Learning, the following amount, or so much thereof as may be necessary, shall be allocated to fund the Washington Center for Internships and Academic Seminars Mississippi Initiative Scholarship Program \$ 50,000.00.

This program will provide opportunities for Mississippi's university and college students to gain real life experience working in Washington, D.C. The funding will provide scholarships at Alcorn State University, Delta State University, Jackson State University, Mississippi State University, Mississippi University for Women, Mississippi Valley State University, the University of Southern Mississippi and the University of Mississippi. A written report shall be submitted listing the scholarship recipients by university to the chairmen and members of the Senate and House Appropriations Committee.

SECTION 38. The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers, in the manner provided by law.

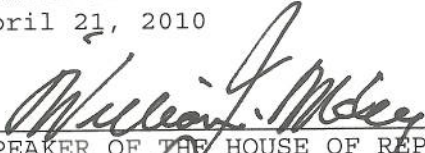
SECTION 39. This act shall take effect and be in force from and after July 1, 2010.

PASSED BY THE SENATE
April 21, 2010



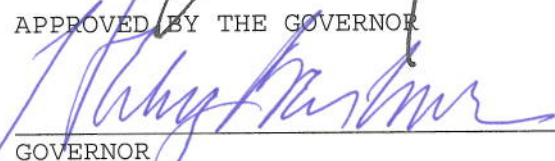
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
April 21, 2010



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

5/24/10

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